

Senate Joint Resolution

No. 3

Introduced by Senator Pavley

**(Coauthors: Senators Alquist, Corbett, De León, Evans, Kehoe,
Leno, Simitian, and Yee)**

**(Coauthors: Assembly Members Ammiano, Beall, Blumenfield, Butler,
Feuer, Huffman, Monning, Skinner, and Williams)**

March 15, 2011

Senate Joint Resolution No. 3—Relative to toxic substances control.

LEGISLATIVE COUNSEL'S DIGEST

SJR 3, as amended, Pavley. Toxic substances: federal law.

This measure would urge the President and the Congress of the United States to enact federal legislation to modernize the federal Toxic Substances Control Act of 1976 by strengthening chemical management through specified policy reforms.

Fiscal committee: no.

- 1 WHEREAS, Children and ~~the developing fetus~~ *pregnant women*
2 are uniquely vulnerable to the health threats of toxic chemicals,
3 and early life chemical exposures have been linked to chronic
4 disease later in life; and
5 WHEREAS, A growing body of peer-reviewed scientific
6 evidence links exposure to toxic chemicals to many diseases and
7 health conditions that are rising in incidence, including childhood
8 cancers, prostate cancer, breast cancer, learning and developmental
9 disabilities, infertility, and obesity; and
10 WHEREAS, The President's Cancer Panel report released in
11 May 2010 states "the true burden of environmentally induced

1 cancers has been grossly underestimated,” and the panel advised
2 the President of the United States “to use the power of your office
3 to remove the carcinogens and other toxins from our food, water,
4 and air that needlessly increase health care costs, cripple our
5 nation’s productivity, and devastate American lives”; and

6 WHEREAS, Workers in a range of industries are exposed to
7 toxic chemicals which pose threats to their health, increasing
8 worker absenteeism, workers’ compensation claims, and health
9 care costs that burden the economy; and

10 WHEREAS, A recent national poll found that 78 percent of
11 American voters were seriously concerned about the threat to
12 children’s health from exposure to toxic chemicals in day-to-day
13 life; and

14 WHEREAS, States bear an undue burden from toxic chemicals,
15 including health care costs and environmental damages,
16 disadvantaging businesses that lack information on chemicals in
17 their supply chain, and increasing demands for state regulation;
18 and

19 WHEREAS, The federal Toxic Substances Control Act of 1976
20 (~~15 U.S.C. Sec. 2601 et seq. (TSCA)~~) (*TSCA*; *15 U.S.C. Sec. 2601*
21 *et seq.*), the primary governing federal statute, was intended to
22 authorize the federal Environmental Protection Agency (EPA) to
23 protect public health and the environment from toxic chemicals;
24 and

25 WHEREAS, When TSCA was passed, about 62,000 chemicals
26 in commerce were “grandfathered in” without any required testing
27 for health and safety hazards or any restrictions on usage; and

28 WHEREAS, In the 35 years since the enactment of TSCA, the
29 EPA has required chemical companies to test only about 200 of
30 those chemicals for health hazards and has issued partial
31 restrictions on only five chemicals; and

32 WHEREAS, TSCA has been widely recognized as ineffective
33 and obsolete due to legal and procedural hurdles that prevent the
34 EPA from taking quick and effective regulatory action to protect
35 the public against well-known chemical threats; and

36 *WHEREAS, A strong uniform federal standard would be*
37 *beneficial to both consumers and businesses; and*

38 WHEREAS, In January 2009, the United States General
39 Accounting Office (GAO) added the EPA’s regulatory program
40 for assessing and controlling toxic chemicals to its list of “high

1 risk” government programs that are not working as intended,
2 finding that the EPA has been unable to complete assessments of
3 chemicals of the highest concern. The EPA requires additional
4 authority to obtain health and safety information from the chemical
5 industry and to shift more of the burden to chemical companies to
6 demonstrate the safety of their products. TSCA does not provide
7 sufficient chemical safety data for public use by consumers,
8 businesses, and workers and fails to create incentives to develop
9 safer alternatives; and

10 WHEREAS, The National Conference of State Legislatures
11 unanimously adopted a resolution in July 2009 that articulated
12 principles for the reform of TSCA and called on Congress to act
13 to update the law; and

14 WHEREAS, In August 2010, the Environmental Council of *the*
15 States (ECOS), the national association of state environmental
16 agency directors, unanimously adopted a resolution entitled
17 “Reforming the Toxic Substances Control Act,” which endorsed
18 specific policy reforms; and

19 WHEREAS, Ten states have come together to launch the
20 Interstate Chemicals Clearinghouse (IC2) to coordinate state
21 chemical information management programs, and a coalition of
22 13 states issued guiding principles for TSCA reform; and

23 WHEREAS, Seventy-one state laws on chemical safety have
24 been enacted and signed into law in 18 states with broad bipartisan
25 support over the last eight years; and

26 WHEREAS, California’s policy leadership on chemical
27 management, although outstanding, cannot substitute for
28 congressional leadership to reform TSCA, a reform which all
29 parties agree is urgently needed; and

30 WHEREAS, TSCA is the only major federal environmental
31 statute that has never been updated or reauthorized; and

32 WHEREAS, Legislation to substantially reform TSCA was
33 introduced during the 109th Congress in 2005, the 110th Congress
34 in 2008, and again in the 111th Congress in 2010; now, therefore,
35 be it

36 *Resolved by the Senate and the Assembly of the State of*
37 *California, jointly*, That the California State Legislature urges the
38 President and the 112th Congress of the United States to enact
39 federal legislation to modernize the federal Toxic Substances

1 Control Act of 1976 by strengthening chemical management
2 through policy reforms that would do all of the following:

3 *(a) Require producers and importers to perform comprehensive*
4 *toxicity testing on their products and to fully disclose the results*
5 *of their testing.*

6 *(b) Require producers and importers to disclose the identities*
7 *of chemicals in their products.*

8 ~~(a)~~

9 *(c) Require immediate action to reduce or eliminate the worst*
10 *chemicals, including persistent, bioaccumulative, and toxic*
11 *chemicals, which are known as PBTs, and other priority toxic*
12 *chemicals, to which there is already widespread exposure.*

13 ~~(b)~~

14 *(d) Preserve the authority of state and tribal governments to*
15 *operate chemical management programs that are more protective*
16 *than the programs established by the federal government.*

17 ~~(e)~~

18 *(e) Establish health safety standards for chemicals that rely on*
19 *the best available science to protect the most vulnerable, including*
20 *children and the developing fetus.*

21 ~~(d)~~

22 *(f) Support those chemical manufacturers that are striving to*
23 *establish that all existing and new chemicals are not harmful to*
24 *human health, and to provide essential health and safety*
25 *information on chemicals to inform the market, consumers, and*
26 *the public.*

27 ~~(e)~~

28 *(g) Reward innovation by fast-tracking the approval of new,*
29 *demonstrably safer chemicals, and invest in green chemistry*
30 *research and workforce development to boost American business*
31 *and spur jobs making safer alternatives.*

32 ~~(f)~~

33 *(h) Promote environmental justice by developing action plans*
34 *to reduce disproportionate exposure to toxic chemicals in “hot*
35 *spot” communities; and be it further*

36 *Resolved, That the Secretary of the Senate transmit copies of*
37 *this resolution to the President and Vice President of the United*
38 *States, to the President pro Tempore of the United States Senate,*
39 *to the Speaker of the House of Representatives, to each Senator*

- 1 and Representative from California in the Congress of the United
- 2 States, and to the author for appropriate distribution.

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